

STATE OF RHODE ISLAND AND PROVIDENCE PLANTATIONS

COUNTY OF NEWPORT

At a meeting of the Town Council of the Town of Tiverton, County and State aforesaid, held at the Tiverton Town Hall on the 28th day of April 2008 A.D. at 7:00 p.m.

President Durfee opened the meeting with the Pledge of Allegiance to the Flag.

Roll Call:

Joanne M. Arruda
Donald Bollin
Paul E. Carroll
Hannibal F. Costa

Louise Durfee
Jay Edwards
Brian A. Medeiros

Town Administrator, James C. Goncalo
Town Solicitor, Andrew M. Teitz were also present.

Approval of Consent Agenda:

All items listed with (CA) are to be considered routine by the Town Council and will be enacted by one motion. There will be no separate discussion of these items unless a member of the Council or a member of the public so requests, in which event the item will be removed from Consent Agenda (CA) consideration and considered in its normal sequence on the agenda.

Councilor Bollin at this time read the items on the Consent Agenda for approval.

Councilor Bollin requested the removal of Items A-3-c and 3-d under Correspondence for public comments.

A motion was made by Councilor Edwards seconded by Councilor Costa to approve the remaining items listed on the Consent Agenda. The motion carried unanimously.

The Consent Agenda was as follows:

CONSENT AGENDA

A-1 Approval of Minutes of Previous Meetings.

- a. Approval of Minutes of Regular Town Council Meeting April 14, 2008
- b. Approval of Executive Session Minutes April 14, 2008

A-2-Receipt of Minutes from Various Board and Commissions:

- a. Recreation Commission (2)
- b. Zoning Board of Review
- c. Wastewater Management Commission
- d. Tiverton Library Board of Trustees
- e. Board of Canvassers (2)

A-3 Correspondence Receive and File

- a. Received from Mathias Camara Regarding Taxpayer's Petition Regarding Shore Road and Response from Ms. Albina Ferreira-Referred to DPW Director
- b. Request by National Grid for Gird Pole on Canonicus Street--Response from DPW Director Stephen Berlucchi

- e. Received from Gareth Eames, Code Enforcement-Letter to Planning Board

Correspondence Received from City of Newport and Correspondence from the Town of Little Compton Regarding Mosquito Control by DEM

Mr. Patrick Haney on behalf of Newport Lobster Association expressed support of banning the chemical methoprene in the RIDEM mosquito abatement program, to be placed into catch basins and sewers to kill mosquitoes. The deadly chemical has the same effect upon the larvae of lobsters. Newport had taken the lead in banning the use of methoprene by adopting a Resolution and was forwarded to all cities and towns in Rhode Island.

The Lobster Association studied and investigated natural alternatives that could replace the toxic chemical, would share the information with Public Works Director who is in charge of local program.

According to Mr. Berlucchi, Director of Public Works, there was a possibility that the toxic chemical methoprene is being used in town catch basins. Mr. Berlucchi could not support the ban at this time until there is a viable replacement. Many of the Town's catch basins are not connected to the Bay, however, some are still a problem.

Mr. Berlucchi was requested to investigate if the chemical was being used, and to report back to the Council and notify the Lobster Association.

The Town Council was sitting as the Board of Licensing Commissioners:

BOARD OF LICENSING COMMISSIONERS AND PUBLIC HEARINGS:

Saughkonnet Hot Dog LLC- Request Transfer of Victualling License to New Owners- From Christopher Potter to Donald and Doreen Rosinha-Subject to Meeting All Legal Requirements:

A motion was made by Councilor Bollin to transfer the Victualling License- Saughkonnet Hot Dog LLC to new owners Donald and Doreen Rosinha subject to meeting all legal requirements. The motion was seconded by Councilor Carroll and then passed unanimously.

Ronald J. Carvalho, d/b/a The Whole Enchilada 2490 Main Road-Request Victualling License-Subject to Meeting All Legal Requirements.

Councilor Bollin made a motion to grant the Victualling License to Ronald J. Carvalho, d/b/a The Whole Enchilada, subject to meeting all legal requirements. Councilor Edwards seconded the motion, which passed unanimously.

Councilor Carroll congratulated both businesses and wished well on behalf of Council.

FINANCIAL BUSINESS:

Town Administrator-Request Council Approval for Transfer of Funds in the Amount of \$10,000. from Account #101-683 (Vault Shelving) to Account #105-359 (Litigation)

Councilor Edwards made a motion to approve the requested transfer in the amount of \$10,000.00 from Account #101-683(Clerk Vault) to Account # 105-359 (Litigation). Councilor Medeiros seconded the motion and passed unanimously.

Town Administrator-Request Council Approval to Release Carry Forward Funds and Transfer to Account #105-359 (Litigation)

a. Acct. # 102-554 (Advertising/Ordinances)	\$ 259.23
b. Acct. # 108-340 (Stenographer Services)	\$ 747.25
c. Acct. # 112-590 (Computer Services)	\$ 346.07
d. Acct. #333-168 (Clothing Allowance)	\$11,541.59
e. Acct. #553-339 (Engineering Services)	<u>\$19,650.76</u>
TOTAL	\$32,544.90

A motion was made by Councilor Arruda seconded by Councilor Carroll to grant the request to release the carry forwards for a total of \$32,544.90 and to transfer to Account # 105-359 (Litigation). The motion passed unanimously.

NEW BUSINESS:

Town Treasurer-Request Permission to Advertise for Bond Council-RI and Mass Lawyers Weekly:

Town Administrator/Treasurer informed the Council that the Firm of Tillinghast Licht, LLP, current Bond Counsel will be closing its firm in the very near future, therefore requesting permission to advertise Requests for Proposals (RFP).

Councilor Edwards made a motion granting permission to begin solicitation for new Bond Counsel. Councilor Costa seconded the motion, which passed unanimously.

Town Treasurer-Request Approval for Bond Anticipation Note for 8.7 Million at Terms and Conditions Subject to Discretion of the Treasurer:

Town Administrator/Town Treasurer James C. Goncalo had the wording incorrectly on the Agenda request. Mr. Goncalo was actually requesting for a formal resolution to be prepared by Bond Counsel to be presented to the Council for approval.

A motion was made by Councilor Bollin to continue the matter to the next scheduled Council Meeting of May 12, 2008. Councilor Arruda seconded the motion and then passed unanimously.

Town Administrator-Request Approval of CDBG Pre-agreement for Repair of Roof at Senior Center:

Town Administrator, James C. Goncalo requesting Council approval of a CDBG pre-agreement for repair of roof at the Senior Center in the amount of \$29,000.00.

Because the roof at the Senior Center had been leaking for some time, it was imperative to do the repairs as soon as possible to avoid further damage. The pre-agreement approval would allow the Town to spend the money to begin the process then later be reimbursed. The Town Administrator noted that an unofficial bid had been submitted with the original CDBG Application. If the request for pre-

approval is not approved, the Town cannot immediately proceed with the project. The Town normally receives approval from the CDBG Program in the fall.

A motion was made by Councilor Edwards to apply for pre approval in the amount of \$29,000.00 for the roof repair at the Senior Center. Councilor Medeiros seconded the motion, which passed unanimously.

Town Administrator-Request Approval of CDBG Pre-agreement for East Bay Community Action Program Sign.

The Town Administrator, again seeking Council approval of a pre-agreement request in the amount of \$3,500.00 for a new Head Start sign at their location at 1048 Stafford Road. East Bay Action Group would be responsible for the funding of the project, not the Town.

Mr. Peter Moniz had been following the CDBG monies; the sign was not part of the original application request.

The sign itself was part of a Zoning Issue some time ago, the location of the sign was illegal, and the Action Group had been requested to move it back. Put up a new sign, was still not placed in the proper location, the sign fell down because they used the older posts. The Town needs to watch the tax dollars; all they need is new posts for the sign. Mr. Moniz did not recall that the sign was part of the original application.

The Town Administrator was requested to review the application if the sign was part of CDBG Application.

Councilor Edwards made a motion to continue the matter to allow the Town Administrator to review if the sign was included in the CDBG Application. The motion was seconded by Councilor Arruda and passed unanimously.

Bourne Mill, LLC-Request Approval of Stop Sign Installation on Mill Street and Intersection of Canonicus Street-Referred to Police Department and DPW

Councilor Carroll stated that all Stop Sign requests are heard twice a year, in January and July with the recommendation of the Police Department and the Highway Department at a Public Hearing as an amendment or addition to Town Ordinance.

Councilor Carroll made a motion to place the request for a Public Hearing at the first Council Meeting of July. Councilor Edwards seconded the motion.

Town Solicitor, Andrew M. Teitz, explained that the Bourne Mill Project needs final commitment from the RI Housing (limited funds available), the Armory Revival Group going to RI Housing on the 3rd week of May, need all submissions by May 1, 2008. Recommendations were received from the Police Department and the Highway Department. The Council could allow the applicant to hold a Special Public Hearing, cost of advertising to be paid by the applicant.

Jan Brodie of the Armory Revival Group approached the Council. The Planning Board had placed certain conditions before giving final approval for the project, the Stop Sign and the other Agenda request for sewer extension were the two remaining conditions. The Bourne Mill project was scheduled to be before the Planning Board, Tuesday April 29th therefore was requesting Council Approval.

The Wastewater Management had approved the sewer extension, all site plans had been reviewed, and all items were identified on the site plans. The Stop Sign request was for a road that had not been built yet, was only a protocol requirement.

President Durfee had spoken to Mr. Noel Berg, Chair of the Planning Board, in regard to the conditions. The Planning Board could give Bourne Mill final approval prior to certain recordings being in place. Ms. Durfee had concerns with sewer project, however, would consider public hearing on stop sign if applicant wished to pay all fees for advertising.

Councilor Bollin had no problem giving notice to Planning Board that the Council had no objection at this time with the Stop Sign, and to advertise for the Public Hearing in July.

Councilor Costa questioned if it would be appropriate to approve the request subject to the conduct of a Public Hearing and the adoption of the proposed ordinance amendment.

According to Town Solicitor, that would not be allowable, either go for Public Hearing in July or sooner if applicant pays for the advertising, or by Resolution of the Council, that the Council had no objection at this time.

Councilor Carroll amended his original motion, that if applicant pays for advertising the Public Hearing could be held sooner. The motion was seconded by Councilor Arruda, which then passed unanimously.

A motion was made by Councilor Bollin, by Resolution to the Planning Board; the Council has no objection of the placement of Stop Sign, north to south at the intersection of Mill Street and Canonicus Street. Councilor Medeiros seconded the motion. The motion passed unanimously.

At this time, Councilor Bollin recused himself from the following Agenda Item and left the table.

Bourne Mill LLC-Consideration As Required by Town Ordinance of the Sewer Tie In For Bourne Mill.

At this time, Mr. John Lincourt, Wastewater Collection Superintendent distributed material as back up for the Agenda item.

Council President Durfee had stated over and over again, did not want to be provided with the back up material the same night as the meeting. All material should be provided with the agenda packet the Thursday prior to the Council Meeting.

President Durfee requested that the Beta Group Engineering review the plans to make sure that all is in conformity with the Town Plans and Ordinances. Bourne Mill was an important project for the Town, however need assurance everything constructed correctly. Cannot read all information in one night.

Councilor Edwards commented that letter states attached report. Nothing attached. Mr. Christopher Nearpass a member of Wastewater Management distributed a copy of from WWM.

Town Planner, Christopher Spencer stated the approval by Council of sewer line was not a condition necessary for Planning Board final approval. Mr. Lincourt stated he was asked to provide back up for agenda item late.

A motion was made by Councilor Edwards to continue the matter until the receipt of information from Beta Group. Councilor Medeiros seconded the motion, and passed unanimously.

TOWN ADMINISTRATOR ANNOUNCEMENTS, COMMENTS AND QUESTIONS

PUBLIC ANNOUNCEMENTS:

1. Congratulations to the Tree Commission and Peter Moniz, receipt of \$12,500. America the Beautiful, matching grant, with our own labor.
2. Emergency Management Plan, bringing to the attention of Special Needs. Anyone with Special Needs, for information call 401 946-9996 or go to Web Site [wwwHealth.RI.Gov/EMRegistry](http://www.Health.RI.Gov/EMRegistry). Can also contact Town Administrator to be part of the Emergency Action Plan.
3. Yard Waste will be picked up the first three weeks of May along with the regular trash pick up

COUNCIL ANNOUNCEMENTS, COMMENTS AND QUESTIONS:

President Durfee noted, Saturday's Providence Journal, additional monies not being made available to Towns, passed by the House, requested that the Town Administrator research how much on the Municipal Side.

TOWN SOLICITOR, ANNOUNCEMENTS, COMMENTS AND QUESTIONS:

Public Update on Corvello vs NE Gas

a. US District Court Docket Representing One Month's Filings.

1. Andrew M. Teitz, Town Solicitor, provided copy of U.S. District Court Docket in regard to Corvello vs. N.E Gas.
The docket was for 3/17/2008 through 4/16/2008 for a total of over 54 items in one month. Some were simple and others were Emergency Motions and all have to be reviewed in detail as well as depositions.
2. Newspapers had been reporting on settlement between plaintiffs, homeowners and Southern Union. Town may or may not be included in settlement.

CLOSED EXECUTIVE SESSION

Town Solicitor-Litigation 42-46-5(a)(2)

Town Solicitor-Prospective Business –42-46-5(a)(6)

A motion was made by Councilor Bollin to enter into Executive Session pursuant to 42-46-5(a)(2)-Litigation. Councilor Medeiros seconded the motion and then passed unanimously.

Councilor Bollin made a motion to remain in Executive Session pursuant to 42-46-5(a)(6)-Prospective Business. Councilor Medeiros seconded the motion, which passed unanimously.

The Council entered into Executive Session at approximately 8:55p.m.

The Council returned to Open Session at approximately 10:05p.m.

OPEN SESSION:

Council President Durfee announced action taken in Executive Session authorizing the Town Solicitor to contact legislators for introduction of legislation for Council to seek new tax treaty with Tiverton Power Associates.

Councilor Edwards motioned to seal the minutes of Executive Session. Seconded by Councilor Arruda, motion passed unanimously.

ADJOURNMENT:

Councilor Bollin motioned to adjourn, seconded by Councilor Medeiros. Passed unanimously.

Meeting adjourned at approximately 10:15p.m.

A True Copy.

ATTEST: _____
Nancy L. Mello, Town Clerk

**STATE OF RHODE ISLAND AND PROVIDENCE PLANTATIONS
COUNTY OF NEWPORT**

The Town Council of the Town of Tiverton, County and State aforesaid held a Regular Town Council Meeting at the Town Hall on Thursday, the 30th day of June 2005 A.D. at 7:00 p.m.

ROLL CALL

Joanne M. Arruda	Cecil E. Leonard
Donald Bollin	Brian A. Medeiros
Paul E. Carroll	Arthur R. Wyman Jr.
Louise Durfee (Absent)	

Vice President, Donald Bollin opened the meeting with the Pledge of Allegiance to the Flag.

Town Solicitor, Andrew M. Teitz was also present and Town Administrator was not in attendance.

Approval of Consent

All items listed with (CA) are to be considered routine by the Town Council and will be enacted by one motion. There will be no separate discussion of these items unless a member of the Council, or a member of the public so requests, in which event the item will be removed from Consent Agenda (CA) consideration and considered in its normal sequence on the Agenda.

Councilor Bollin read all the items listed as Consent Agenda.

Councilor Carroll requested those Items A-1 and A-3 is removed under Approval of Minutes as well as Item E-3 under New Business.

Councilor Leonard requested to have removed Items A-5 and A-6 under Approval of Minutes also requested the removal of Items D-4a under Financial Business, the removal of Item I-1 under Abatements and Items under Correspondence J-1 and J-2.

Councilor Arruda requested Item J-6 under Correspondence be removed from the Consent Agenda.

Mr. Carroll made a motion, seconded by Mrs. Arruda to approve the remaining items listed on the Consent Agenda. The motion made was unanimous.

The remaining items on the Consent Agenda were as follows:

Approval of Minutes Of Previous Meetings:

A-1--Special Town Council Meeting of May 16, 2005

A-4- Regular Town Council Meeting of June 13, 2005

A-7-Council Workshop Minutes of June 20, 2005

Financial Business:

D-1-Tax Collector-Request Approval of Inter-Departmental Transfers

\$450.00 from #215-535 (Telephone) to #215-623 (Supplies)

D-2-Chief Lloyd-TFD-Requests Approval of Inter-Departmental Transfer

\$300.00 from #331-640 (Station Maint.) to #331-740 (Apparatus Maint.)

D-3-Chief Blakey-Request Inter-Departmental Transfers

\$209.32 from #333-167 (Equipment) to #333-528 (Education)

\$509.32 from #333-168 (Uniform) to #333-528 (Education)

\$400.76 from #333-530 (Radio) to #333-528 (Education)

\$1,670.70 from #333-648 (Vehicle) to #333-528 (Education)

\$200.00 from #333-648 (Vehicle) to #333-640 (Building Maintenance)

Correspondence

Distributed Prior to Council Meeting